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13 VERIGY US, INC.

14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA

16 VERIGY US, INC, a Delaware Corporation

17 Plaintiff,

18 vs.

19 ROMI OMAR MAYDER, an individual;  
20 WESLEY MAYDER, an individual; SILICON  
21 TEST SYSTEMS, INC., a California Corporation;  
22 and SILICON TEST SOLUTIONS, LLC, a  
23 California Limited Liability Corporation,  
24 inclusive,

25 Defendants.

Case No. C07 04330 RMW (HRL)

**DECLARATION OF  
JOHN W. FOWLER IN SUPPORT OF  
PLAINTIFF'S MOTION TO COMPEL**

Judge: Honorable Howard R. Lloyd  
Ctrm: 2

Complaint Filed: August 22, 2007  
Trial Date: None Set

1 I, John W. Fowler, declare as follows:

2 1. I am an attorney licensed to practice law before all of the courts of the State of  
3 California. I am a partner in the law firm of Bergeson, LLP, counsel of record for Plaintiff Verigy  
4 US, Inc. ("Verigy") in the above-captioned action. I have personal knowledge of the facts set  
5 forth in this declaration, and, if called to do so, I could and would competently testify thereto.

6 2. I submit this declaration in support of Verigy's Motion to Compel Defendants to  
7 produce a bit for bit copy – a mirror image - of Mr. Mayder's computer's hard drive (the  
8 "Motion").

9 3. During a telephone conference on August 29, 2007, counsel for Defendants, Kevin  
10 M. Pasquinelli, agreed to produce a bit for bit copy – a mirror image - of Mr. Mayder's computer's  
11 hard drive.

12 4. On September 26, 2007, after the deposition of defendant Romi Mayder, my  
13 colleagues Melinda Morton, Don Gagliardi and I met and conferred with Mr. Pasquinelli and Mr.  
14 Mount regarding the outstanding discovery issues. During the meet and confer, Defendants'  
15 counsel agreed to produce the mirror images of Defendants' hard drives provided that any  
16 attorney-client documents were segregated and removed prior to production. The parties agreed to  
17 hire a third-party neutral expert to remove any such documents. Defendants' counsel was to  
18 provide a list of search terms the next day for the expert to use to segregate any privileged  
19 documents, and we agreed that a list showing any documents with the search terms would be  
20 circulated among counsel to discuss appropriate action. Ms. Morton agreed to propose one or  
21 more potential neutral forensics experts, and the parties agreed that the hard drives would be  
22 turned over to the neutral expert by October 2, 2007.

23 I declare under penalty of perjury under the laws of the United States of America that the  
24 foregoing is true and correct and that this declaration was executed this 2nd day of October, 2007  
25 at San Jose, California.

26  
27 \_\_\_\_\_  
28 John W. Fowler